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### FACSIMILE TRANSMITTAL SHEET

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<b>TO:</b> Examiner Thuy Chan Dao	<b>FROM:</b>
Group Art Unit 2192	Christopher M. Swickhamer
<b>COMPANY:</b>	<b>DATE:</b>
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**RE:** U.S. Patent Application No. 10/789,401

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**COMMENTS:**

Proposed Interview Topics attached.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Attorney Docket No. 007412.00200**

In re U.S. Patent Application of )  
Jeffrey Wannamaker, et al. )  
Application No. 10/789,401 ) Examiner: Thuy Chan Dao  
Filed: February 27, 2004 ) Group Art Unit: 2192  
For: Targeted Runtime Compilation ) Confirmation No. 5238  
)  
)

**Proposed Interview Topics**  
**Not for Entry on the Record**

**VIA FACSIMILE**  
(571) 273-8570

Dear Examiner Dao:

In preparation for our telephonic interview at 12:00 PM Eastern on Thursday, January 7, 2010, Applicants propose the following topics for discussion:

- The instant application, pending claims, the Final Office Action mailed November 3, 2009, and the rejections cited therein.
- The proposed amendment to claim 1, below, incorporating the features of claim 10.
- The rejection of claim 10 under 35 U.S.C. § 103 based on the combination of Holzle (US 6,240,548) and Beadle (US 6,530,075). Neither reference discloses the features of “wherein said annotating comprises selectively setting each of a plurality of normally unused bits within a method access flag field of an identified class file, wherein said unused bits are selectively set to define thereby said priority level hint of a respective annotated method.” In the rejection of claim 10, the Action refers to an invocation counter of Holzle as purportedly disclosing these features. *See* Action, p. 4.
- Hözle, however, fails to disclose selectively setting each of a *plurality of unused bits* within its invocation counter to define a priority level hint, and hence the invocation counter of Hözle is not analogous to the claimed method access flag field.

Application No. 10/789,401

- Moreover, Hölzle does not describe using unused bits of its invocation counter to define a priority level hint that is hierarchically-related to a priority level hint of another interpreted method.
- The proposed amendment to claim 1 is thus believed to define over the cited combination.
- Applicants also wish to discuss any suggested amendments that would clarify the above distinction to place the application in condition for allowance.

Please confirm safe receipt of this facsimile and I look forward to speaking with you.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Date:

By: \_\_\_\_\_

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Application No. 10/789,401

1. (Proposed Amendment) A method for processing a p-code file, comprising:
  - analyzing p-code methods within said p-code file by a computer to determine a resource utilization for the p-code methods;
  - identifying one or more p-code methods that have a resource utilization parameter above a threshold level;
  - annotating said identified p-code methods to be compiled, said annotating comprising inserting an in-line priority level hint for each annotated p-code method, said priority level hints being hierarchically-related and collectively representing a hierarchical order, said priority level hints enabling preferential processing of said p-code methods in a hierarchical manner corresponding to said hierarchical order of said priority level hints, wherein said annotating comprises selectively setting each of a plurality of normally unused bits within a method access flag field of an identified class file, wherein said unused bits are selectively set to define thereby said priority level hint of a respective annotated method;
  - replacing one or more lines of instructions in the p-code file with compiled code for the identified p-code methods; and
  - communicating the p-code file via a network to a target environment for execution of the compiled code and interpretation of uncompiled instructions in the p-code file.